

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
 :
OPENAI, INC., : 25-md-3143 (SHS) (OTW)
COPYRIGHT INFRINGEMENT LITIGATION, :
 :
 : **ORDER**
This Document Relates To: :
All Actions :
 :
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ONA T. WANG, United States Magistrate Judge:

The Court held a discovery status conference for all actions in this matter on
Wednesday, June 25, 2025. As **ORDERED** at the June 25 Conference:

I. CLASS ACTION CASES

For the reasons discussed on the record:

- 1) On June 24, 2025, the Court directed the Class Plaintiffs and OpenAI to submit additional briefing on the issue of the Class Plaintiffs' claims of privilege and work-product protection over 36 documents that were disclosed to opposing counsel. (See ECF 264). Microsoft is directed to file its responsive brief of no longer than 1,500 words on the same issue by **July 2, 2025**.
- 2) Class Plaintiffs' motion at ECF 153/154 regarding production of documents that reference "LibGen" or "Library Genesis" is **DENIED as premature**. The parties are directed to meet and confer regarding the production of the remaining documents at issue and file a joint status letter updating the Court on the parties' discussions by **July 2, 2025**.

- 3) Class Plaintiffs' motion at 23-CV-8292 ECF 377 is **DENIED as premature**. The parties are directed to meet and confer regarding this issue and whether it can be resolved through a 30(b)(6) deposition. If the parties elect to conduct a 30(b)(6) deposition, such deposition will not count against the total deposition hours cap previously set by the Court. (See ECF 202). The parties are directed to file a joint status letter updating the Court on the parties' discussions by **July 2, 2025**.
- 4) The parties are directed to complete Class Plaintiffs' 30(b)(6) deposition of OpenAI regarding the deletion of the Books 1 and Books 2 datasets by **July 25, 2025**.

II. NEWS CASES

For the reasons discussed on the record:

- 1) News Plaintiffs' motion at 23-CV-11195 ECF 489 is **GRANTED in part, DENIED in part**. OpenAI is directed to produce final slide decks and any attachments thereto for the specific investor presentations made by OpenAI to the following investors, as outlined in ECF 489: Microsoft, MGX, Thrive Capital, Softbank, and Tiger Global.¹
- 2) Microsoft's motion at ECF 135/139 regarding evidence of the New York Times's reputation is **GRANTED in part, DENIED in part**. New York Times is directed to provide information on whether the New York Times keeps or has a list or

¹ News Plaintiffs represented at the conference that MGX, Thrive Capital, Softbank, and Tiger Global each made a single investment into OpenAI, and that Microsoft made multiple investments. News Plaintiffs' letter at 23-CV-11195 ECF 489 lists Microsoft's relevant investments as occurring in 2019, 2021, and 2023. (See 23-CV-11195, ECF 489).

repository of corrections made since 2022, and provide that information to Microsoft by **July 2, 2025**. Microsoft may conduct a 30(b)(6) deposition of New York Times on their “Brand Tracker,” but any such deposition will count towards the parties’ total deposition hours cap. (See ECF 202). The parties are cautioned that this ruling is NOT a finding that New York Times’s own corrections are relevant to the claim of trademark dilution.

- 3) News Plaintiffs’ motion at ECF 157 regarding Defendants’ dashboards is **DENIED as premature** as to Microsoft. News Plaintiffs may conduct a 30(b)(6) deposition of Microsoft on this issue, but any such deposition will count towards the parties’ total deposition hours cap. (See ECF 202). The Court defers ruling on ECF 157 as to OpenAI until after the June 26, 2025, technology tutorial. The News Plaintiffs and OpenAI are directed to meet and confer regarding the production of metrics that may or may not be available via the dashboards, and also whether such information could ameliorate the loss of data that was raised by Plaintiffs in ECF 43.
- 4) News Plaintiffs’ motion at ECF 144 regarding ChatGPT’s product-recommendation feature is **DENIED as premature**. The parties are directed to meet and confer on this issue and update the Court in their next joint dispute chart for the August 12, 2025, conference. The parties are encouraged to focus on document production on the development and refinement of ChatGPT, rather than on the definitions of “product” versus “feature.”
- 5) OpenAI’s motion at ECF 129/130 regarding New York Times’s non-GenAI licenses is **DENIED as premature**. The parties are directed to continue meeting and

conferring on the process for providing non-GenAI licenses as directed at the conference.

- 6) The parties' disputes regarding OpenAI's preservation of output log data and the May 13 Preservation Order, (*see*, 23-CV-11195 ECF Nos. 379, 420, 483, 491, 545, 560, 578, 621, 641), are **DENIED as moot** in light of OpenAI's Rule 72 objection to the May 13 Preservation Order, (*see* ECF 92), and Judge Stein's oral argument on the objections scheduled for June 26, 2025, and the confidential settlement conference scheduled for the same day. (*See* ECF Nos. 217, 239).
- 7) News Plaintiffs' motion at ECF 152/155 regarding OpenAI's production of certain datasets is **DENIED as premature**. The parties are directed to continue meeting and conferring on this issue, including allowing OpenAI time to investigate the datasets, and the technological feasibility and proportionality of production.
- 8) OpenAI's motion at 23-CV-11195 ECF 494/495 regarding expanding the date range for production of certain of New York Times custodians to 2018 is **DENIED**. Moreover, any future motion to expand date ranges for particular custodians to predate 2022 must make a particularized showing based on evidence already produced and reviewed as to why production is appropriate for the specific custodians and why production should be extended back to that particular date.
- 9) News Plaintiffs' motion at ECF 148 regarding interrogatories 11 and 12 is **DENIED as premature**. New York Times is directed to serve documents requests on the issue of the "express license" by June 26, 2025.

10) Based on the parties' representation that they reached an agreement to continue to meet and confer, the following motions are **DENIED as moot**:

ECF Nos. 114/115, 120/122, 125, 145, and 23-CV-11195 ECF 322.

11) The Court will defer ruling on News Plaintiffs motions at 23-CV-11195 ECF Nos. 311 and 487 until after the June 26 technology tutorial and settlement conference.

The Clerk of Court is respectfully directed to close the following ECF Nos. in **Case No. 25-MD-3143**: 114, 115, 120, 122, 125, 135, 139, 144, 145, 148, 152, 153, 154, 155.

The Clerk of Court is respectfully directed to close the following ECF Nos. in **Case No. 23-CV-11195**: 483, 489, 494, 495.

SO ORDERED.

Dated: June 25, 2025
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge